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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,883	10/16/2003	Ronald A. Katz	6046-101C5	4127
35554 7590 03/15/2010				
REENA KUYPER, ESQ. BYARD NILSSON, ESQ. 9229 SUNSET BOULEVARD SUITE 630 LOS ANGELES, CA 90069				
EXAMINER				
WOO, STELLA L				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
03/15/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/686,883

**Applicant(s)**

KATZ, RONALD A.

**Examiner**

Stella L. Woo

**Art Unit**

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 63-124 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 63-124 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 3/10/2010

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 16, 2010 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 63-68, 70-73, 76-87, 89-93, 96-108, 110-124 are rejected under 35 U.S.C. 102(e) as being anticipated by Vega (US 2002/0120554 A1).

Regarding claims 63-64, 78-80, 82-83, 98-100, 102, 108, 114-118, 121-122, Vega discloses a traffic control system (100) comprising:

an interface for communications through the public telephone system (Vega provides for a variety of communication modes including communication over the telephone network; paragraph 47) involving a user (potential purchaser uses a PC,

PDA, cellular phone, or the like; paragraph 62) and a responding site (responding service provider) and for receiving inquiry data from a user at an active inquiring user terminal including identification data and type of subject matter data for communication relating to an area of interest (sign up wizard 130 and data input screen 132 collect buyer identification data, paragraph 77, and data defining the nature of services requested, paragraph 88);

memory storage to receive and store responder data (service provider data is stored in a service provider database 154; paragraphs 82-86); and

a processor (processor 204 identifies one or more buyer/service provider matches, paragraph 88, and provides associated video/audio files, paragraph 86).

Regarding claim 65, 84, system 100 allows a buyer to consummate a transaction via a payment retaining system (paragraphs 66, 143).

Regarding claims 66-67, 85-86, 113, 120, buyer request data can include maximum cost (paragraphs 88, 90).

Regarding claims 68, 87, 105, 123, system 100 provides a variety of service applications, e.g. medical services, legal services, accounting services, financial services building services, construction services, architectural services, etc. (paragraphs 54, 82).

Regarding claims 70-72, 76, 89-92, 96, 104, 107, 112, 116, system 100 provides for presenting product information via a variety of text, video/audio communication modes (paragraphs 46, 52, 86, 187, 191).

Regarding claims 73, 93, a buyer can access stored audio files using a telephone (paragraph 62).

Regarding claims 77, 97, 111, 119, buyer information includes credit card information for billing purposes (paragraph 77).

Regarding claims 81, 101, inquiry data can be expressed by voice using voice recognition technology (paragraph 156).

Regarding claim 106, service providers can be selected based on geographic location/geographic coverage (paragraphs 46, 84).

Regarding claim 110, system 100 collects the buyer's email address (paragraph 77).

Regarding claim 115, system 100 includes an operator terminal (trained service consultant to assist customers by way of live chat, phone, audio, video and/or email; paragraph 187).

Regarding claim 124, system 100 allows for face-to-face contact with a service provider using audio and video technologies (paragraph 181).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 69 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vega in view of Walker et al. (US 5,884,272, hereinafter "Walker").

Vega differs from claims 69 and 88 in that although it provides for a variety of service provider applications, it does not specify a dating service. However, Walker teaches the well known use of a communication system for providing a dating service (col. 7, lines 29 – col. 8, line 40) such that it would have been obvious to an artisan of ordinary skill to modify the system of Vega to allow for dating service provision as well.

6. Claims 74 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vega in view of Klingman (US 5,729,594).

Vega differs from claims 74 and 94 in that it does not specify the telephone line as being a caller paid telephone line. However, Klingman, from the same field of endeavor, teaches the well known use of a caller paid telephone line (900 number) for accessing an on-line transaction system such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a caller paid telephone line, as taught by Klingman, within the system of Vega in order to charge users for accessing the system over the telephone line.

7. Claims 75 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vega in view of Foster et al. (US 4,897,867, hereinafter "Foster").

Vega differs from claims 75 and 109 in that it does not specify the use of a check digit. However, Foster teaches the desirability of using a check digit when receiving order information over the telephone lines (col. 7, lines 54-61) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a check digit, as taught by Foster, within the system of Vega in order to ensure the accurate receipt of user entered information.

***Response to Arguments***

8. Applicant's arguments filed February 16, 2010 have been fully considered but they are not persuasive. Applicant argues that Vega does not constitute prior art to the claimed invention. However, the claims recite subject matter (e.g. mobile terminals using the wireless mobile network) which is finds it earliest support in parent application 10/323,222, filed December 18, 2002. Vega was filed on February 28, 2001 and qualifies as prior art to the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stella L. Woo/  
Primary Examiner, Art Unit 2614